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FAX TRANSMITTAL SHEET
March 16, 2005

TO:	Examiner Andrew Nalven GAU 2134 U.S. Serial No. 09/469,586		**Company:**	U.S. Patent and Trademark Office
	Fax #:	703-872-9306	**City/State:**	Alexandria, VA 22313
		Mail Stop ISSUE FEE		
FROM:	Steven P. Wigmore	5551	**Our Ref. #:**	07609.105002

NUMBER OF PAGES (including transmittal sheet): 18 SW

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Notes/Comments:

Documents Submitted Via Facsimile:

Applicant: Sterling Michael Pearson

Serial No.: 09/469,586

Filed: December 22, 1999

For: SW Method and System for Remotely Configuring and Monitoring a Communication Device

Papers Submitted: Request for Initialed Copies of the PTO-1449 Forms [2-pgs.]; post card receipt for March 22, 2005 submission [1-pg.]; IDS filed on March 22, 2000 [3-pgs.]; post card receipt for December 3, 2004 submission [1-pg.]; IDS filed on December 3, 2004 [3-pgs.]; Comments on Examiner's Statement of Reasons for Allowance [7 pages].

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Sterling Michael Pearson	)	Art Unit: **2134**
	)	
Serial No. **09/469,586**	)	Confirmation No. **5130**
	)	
Filed: **December 22, 1999**	)	Examiner: **Andrew Nalven**
	)	
For: **Method and System for Remotely Configuring and Monitoring a Communication Device**	)	

REQUEST FOR AN INITIALED COPY OF THE PTO-1449 FORMS FILED WITH THE INFORMATION DISCLOSURE STATEMENTS OF MARCH 22, 2000 and DECEMBER 3, 2004

Commissioner for Patents
Mail Stop Box Issue Fee
Alexandria, VA 22313-1450

March 16, 2005

Sir:

The Applicant respectfully requests the Examiner to consider and initial the attached PTO-1449 forms that were previously filed with the Information Disclosure Statements (IDS's) prior to the Notice of Allowance of March 3, 2005. The Applicant has not received a copy of the PTO-1449 forms that bears the Examiner's initials.

For the Examiner's convenience, the undersigned has attached a copy of each IDS with the PTO-1449 forms that were not properly initialed by the Examiner. These documents were filed on March 22, 2000 and December 3, 2004. The Applicant has also provided a post card receipt for each IDS submission that evidences the receipt of these documents by the U.S. Patent and Trademark Office.

Consideration and return of the initialed copy of the attached PTO-1449 forms is respectfully requested. The Examiner is requested to return the initialed copy of the attached

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, Mail Stop Issue Fee, P. O. Box 1450, Alexandria, VA 22313-1450, GAU 2134, Attn: Examiner Andrew L. Nalven, Facsimile No. (703) 872-9306 on March 16, 2005.

Steven P. Wigmore, Reg. No. 40,447

PTO-1449 forms via facsimile to the undersigned. The undersigned's facsimile number is 404-572-5145.

If there are any other issues remaining in this application that may be resolved by a telephone conference, the Examiner is invited to contact the undersigned at the following number in the Atlanta Metropolitan Area: 404-572-2884.

Respectfully submitted,

Steven P. Wigmore
Reg. No. 40,447

King & Spalding LLP
191 Peachtree Street
Atlanta, Georgia 30303
404.572.4600
K&S Docket: 07609.105002

SLP

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Please stamp with date of receipt & return to addressee:

Applicant:	Sterling Michael Pearson
Serial No.:	09/469,586
Filing Date:	22 December 1999
Title:	Method and System for Remotely Configuring and Monitoring a Communication Device

Papers Submitted:	Information Disclosure Statement; List of Information Disclosed By Applicant; postcard
Attorney:	DL/SLP/rb
Date Mailed:	~~March~~ 22, 2000
Docket:	19433-0100

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sterling Michael Pearson

Serial No. **09/469,586**

Filed: **December 22, 1999**

For: **Method and System for Remotely Configuring and Monitoring a Communication Device**

Art Unit:

Examiner:

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The citation of information on the attached Form PTO-1449, "List of Art Cited by Applicant" is made pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98. A copy of each cited item is enclosed.

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Respectfully submitted,

Dale Lischer

Dale Lischer
Reg. No. 28,438

JONES & ASKEW, LLP
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3424 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 949-2400
Our Docket: 19433-0100

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on March 22, 2000.

Dale Lischer

Dale Lischer - Reg. No. 28,438

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FORM PTO-1449. Adapted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
19433-0100	09/469,586	December 22, 1999
APPLICANT		GROUP
Sterling Michael Pearson		

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
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	AE						
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	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	TRANSLATION NO.
	AL						
	AM						
	AN						
	AO						

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OTHER REFERENCES (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	AP		Jai Sundar Balasubramaniyan, Jose Ovar Garcia-Fernandez, David Isacoff, Eugene Spafford, and Diego Zamboni. An architecture for intrusion detection using Autonomous Agents. COAST Technical Report 98/05, COAST Laboratory, Department of Computer Sciences, Purdue University, West Lafayette, IN 47907 -1398, June 1998.
	AR		*"Network Security Wizards"* (visited October 27, 1999) http://www.securitywizards.com.
	AS		*"CyberCop Monitor"* (visited October, 29, 1999) http://nai.com/asp_set/products/tns/ccmonitor_features.asp.
	AT		*"Axent: Security That Means Business"* (visited October 27, 1999) http://www.axent.com

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449, Adapted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
19433-0100	09/469,586	December 22, 1999
APPLICANT	GROUP	
Sterling Michael Pearson		

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
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	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	TRANSLATION NO.
	AL						
	AM						
	AN						
	AO						

OTHER REFERENCES (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	BP		*"NFR Intrusion Detection Appliance"* (visited October 27, 1999) http://www.nfr.net/products/ida-facts.html.
	BR		*"ISS SAFEsuite Products"* (visited October 27, 1999) http://www.iss.net/prod/rs.php3.
	BS		Greg Shipley, *"Intrusion Detection"* Networking Computing, November 15, 1999, pp. 48, 50, 52, 56, 58, 60, 66, 68, 74-75.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

JDH 12/4/04

The U.S.P.T.O. official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Applicant	Sterling Michael Pearson
Serial No.	09/469,586
Title	Method and System for Remotely Configuring and Monitoring a Communication Device

Papers Submitted: Request for Continued Examination (RCE) Transmittal; $395 Check No. 452285; Preliminary Amendment/Response to Final Office Action 29-pgs.; Three-Month Extension of Time; $490 Check No. 452286; ~~Petition and Certificate Requesting Consideration of~~ Information Disclosure Statement Pursuant to § 1.97(d)(2); ~~$130 Check No. 447964~~; PTO-1449 2-sheets; 13-cited art references; and postcard

Attorney	SPW/eyc
Date Mailed	December 3, 2004
Docket	07609.105002

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**Sterling Michael Pearson**	
Serial No.:	**09/469,586**	Art Unit: **2134**
Filing Date:	**December 22, 1999**	Examiner: **Andrew L. Nalven**
Title:	**Method and System for Remotely Configuring and Monitoring a Communication Device**	Confirmation No.: **5130**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

December 3, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant cites the information on the attached Form PTO-1449, "List of Information Disclosed by Applicant," pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98. Applicant has enclosed a copy of each cited item.

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Respectfully submitted,

Steven P. Wigmore
Reg. No. 40,447

King & Spalding LLP
45th Floor, 191 Peachtree Street, N.E.
Atlanta, GA 30303
404.572.4600
K&S Docket: 07609.105002

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on December 3, 2004.

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FORM PTO-1449, Adapted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
07609.105002	09/469,586	December 22, 1999
APPLICANT		**GROUP**
Sterling Michael Pearson		2134

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	TRANSLATION NO.

OTHER REFERENCES (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	AA		Internet Security Systems, *RealSecure Frequently Asked Questions*, November 8, 1999, pp. 1-14, http://www.iss.net/prod/tpo/rs_faq.php3.
	AB		Internet Security Systems, *Host Security Rating Detail*, November 9, 1998, pp. 1-11.
	AC		*Firewall Features*
	AD		Internet Security Systems, *Coordinated Attack Single Source*, December 2, 1998, p. 1.
	AE		Internet Security Systems, *RealSecure Frequently Asked Questions*, October 29, 1999, pp. 1-14, http://www.iss.net/prod/tpo/rs_faq.php3.
	AF		Internet Security Systems, *Information Security: A Changing Need*, October 27, 1999, pp. 1-9, http://www.iss.net/about/about.php3.
	AG		Internet Security Systems, *ISS Ships New Version of RealSecure, Provides Industry-First Solution for Comprehensive E-Business Server Protection*, October 29, 1999, pp. 1-3, News Release, http://www.iss.net/press_rel/pr3.php3.
	AH		Internet Security Systems, *ISS SAFEsuite products, RealSecure Agent*, October 29, 1999, p. 1, http://www.iss.net/prod/rsagent.php3.
	AI		Internet Security Systems, *ISS SAFEsuite products, RealSecure Manager*, October 29, 1999, p. 1, http://www.iss.net/prod/rsmanager.php3.
	AJ		Internet Security Systems, *ISS SAFEsuite products, RealSecure Engine*, October 27, 1999, p. 1, http://www.iss.net/prod/rsengine.php3.
	AK		Phillips, *NetProwler detects perimeter hack attacks*, July 5, 1999, pp. 1-3, Ziff-Davis Publishing Company, Reprinted from PC Week, http://www.zdnet.com/adverts/eprints/axent/pcwk/90803kp.html.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449, Adapted

LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
07609.105002	09/469,586	December 22, 1999
APPLICANT		**GROUP**
Sterling Michael Pearson		2134

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	TRANSLATION NO.

OTHER REFERENCES (*Including Author, Title, Date, Pertinent Pages, Etc.*)

	AL		AXENT, *Net Prowler Integration Module for the Raptor Firwall 6.x*, October 27, 1999, p. 1, http://www.raptor.com/cs/FAQ/netprowler.html.
	AM		Network Security Wizards, *Dragon Products*, October 29, 1999, p. 1, http://www.securitywizards.com/product.html.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Sterling Michael Pearson	)	Art Unit: **2134**
	)	
Serial No. **09/469,586**	)	Confirmation No. **5130**
	)	
Filed: **December 22, 1999**	)	Examiner: **Andrew Nalven**
	)	
For: **Method and System for Remotely Configuring and Monitoring a Communication Device**	)	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE FILED PURSUANT TO 37 CFR § 1.104(e) and MPEP § 1302.14

Commissioner for Patents
Mail Stop Box Issue Fee
Alexandria, VA 22313-1450

March 16, 2005

Sir:

Pursuant to 37 C.F.R. § 1.104(e), the Applicant is submitting the following comments which are requested to be made part of the Official file history for this patent application:

Comments on Statement of Reasons for Allowance

The Applicant respectfully submits that the Examiner's Reasons for Allowance that were attached to the Notice of Allowance mailed on March 3, 2005 DO NOT PROVIDE information that is equivalent to the information contained in the application file in which the Examiner's Office actions and the Applicants' replies make evident the Examiner's reasons for allowing the claims.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, Mail Stop Issue Fee, P. O. Box 1450, Alexandria, VA 22313-1450, GAU 2134, Attn: Examiner Andrew L. Nalven, Facsimile No. (703) 872-9306 on March 16, 2005.

Steven P. Wigmore, Reg. No. 40,447

The Applicant repeats the Examiner's reasons for allowance as follows for discussion purposes:

> "The present invention teaches a method for remotely monitoring each of a plurality of network intrusion protection devices with a remote monitoring center. Each independent claim identifies the distinct feature of having each network intrusion device of a plurality of network intrusion devices operative to make the determination that the communication represents a security risk independently after being configured and without control from the remote monitoring center. The closest prior art, Proctor et al US Patent No. 6,530,024 teaches a host based security policy [sic] system. The cited prior art fails to teach each network intrusion device of a plurality of network intrusion devices operative to make the determination that the communication represents a security risk independently after being configured and without control from the remote monitoring center and thus fails to anticipate or render the above limitations obvious (see Applicant's Arguments submitted 01/31/05 Pages 16-17). Thus, the cited prior art fails to anticipate or render obvious the above-cited claims..."

The Examiner's reasons for allowance do not address the differences in claim scope between independent Claims 41, 47, and 67. One basis why the Examiner's reasons do not address the differences between independent Claims 41, 47, and 67 is that the Examiner's reasons fail to mention that Claims 41 and 47 are method claims while Claim 67 is a system or apparatus claims. Another basis why the Examiner's reasons do not address the differences between independent Claims 41, 47, and 67 is that the reasons fail to acknowledge that there are other elements in each of the independent claims that when considered as whole make each independent claimed invention allowable over the prior art of record.

To assist in understanding the differences in scope between these independent claims, the Applicants have provided a copy of the independent Claims below.

41. A method for remotely monitoring each of a plurality of network intrusion protection devices with a remote monitoring center under control by a service provider servicing the intrusion protection requirements of a plurality of customers comprising the steps of:

receiving at the remote monitoring center a first transmission comprising a first identification number and a network address associated with one of a plurality of network intrusion prevention devices monitored by the remote monitoring center which operates at a location other than a site of any one of the customers, each network intrusion prevention device positioned in-line and between a computer network controlled by one of the customers and a distributed computer network that is not controlled by the customers, each network intrusion prevention device operative to block a communication from passing to the corresponding computer network via the distributed computer network by terminating the communication based on a determination that the communication represents a security risk to at least one of the computers coupled to the computer network, each network intrusion prevention device operative to make the determination that the communication represents a security risk independently after being configured and without control from the remote monitoring center, each network intrusion prevention device comprising a firewall, an intrusion detector, and a remote monitoring controller communication module, wherein the remote monitoring controller communication module is operatively coupled to the remote monitoring center;

storing the identification number and network address for the network intrusion prevention device in a database at the remote monitoring center;

receiving at the remote monitoring center a second identification number during a second transmission from the network intrusion prevention device;

comparing the second identification number with the first identification number at the remote monitoring center and, in response to a match between the first identification number and second identification number, identifying a plurality of security policy options that are selectable by the network intrusion prevention device;

generating a configuration file with the remote monitoring center in response to selection of at least one of the security policy options by the network intrusion prevention device, the configuration file governing the intrusion protection operation for the network intrusion prevention device;

transmitting the configuration file from the remote monitoring center to configure the network intrusion prevention device;

monitoring the network intrusion prevention device by the remote monitoring center for issuance of an alert signal issued by the network intrusion prevention device in response to a determination that the communication represents a security risk to at least one of the computers coupled to the computer network;

receiving the alert signal at the remote monitoring center; and

assigning the alert signal an order and taking responsive action at the remote monitoring center based upon the assigned order.

47. A method for remotely monitoring a plurality of network intrusion prevention devices based on operations of a remote monitoring center managed by a service provider, comprising the steps of:

presenting security policy options with the remote monitoring center, the security policy options selectable by each of the network intrusion prevention devices, each network intrusion prevention communication device positioned in-line and between a computer network under control of one of a plurality of customers and a distributed computer network that is not under control of the customers;

generating a configuration file with the remote monitoring center in response to selection of the security policy options by each of the network intrusion prevention devices;

transmitting the configuration file from the remote monitoring center to configure the network intrusion prevention devices, each network intrusion prevention device operative to process a communication carried by the distributed computer network and intended for delivery to a computer coupled to a corresponding one of the computer networks to determine whether the communication represents a security risk to the computer network in accordance with the configuration file, each network intrusion prevention device operative to determine whether the communication represents a security risk independently after being configured and without control from the remote monitoring center, the network intrusion prevention device further operative to issue an alert signal and to terminate the communication in response to a determination that the communication represents a security risk, each network intrusion prevention device comprising a firewall, an intrusion detector, and a remote monitoring controller communication module, the remote monitoring controller communication module coupled to the remote monitoring center;

monitoring the network intrusion prevention devices with the remote monitoring center to detect an issuance of the alert signal from one of the network intrusion prevention devices;

receiving the alert signal with the remote monitoring center; and

forwarding the alert signal to a remote agent associated with the service provider, wherein the alert signal provides an advisory of the security risk faced by the network intrusion prevention device that issued the alert signal.

61. A system for remotely monitoring the security status of a plurality of computer networks, each computer network associated with one of a plurality of entities, comprising:

a plurality of network intrusion prevention devices, each network intrusion prevention device coupled in-line and between one of the computer networks associated with a particular one of the entities and a distributed computer network that is not associated with any of the entities,

wherein each network intrusion prevention device is operative to process a communication carried by the distributed computer network and intended for delivery to a computer coupled to the corresponding computer network to determine whether the communication represents a security risk to the computer network, and

wherein each network intrusion prevention device is further operative to block the communication from passage to the computer network by terminating the communication and to transmit an alert signal via the distributed computer network in response to a determination by the network intrusion prevention device that the communication represents a security risk, each network intrusion prevention device operative to make the determination that the communication represents a security risk independently after being configured and without control of a remote monitoring center, each network intrusion prevention device comprising a firewall, an intrusion detector, and a remote monitoring controller communication module, the remote monitoring controller communication module coupled to the remote monitoring center; and

the remote monitoring center operated on behalf of the entities by a service provider, the remote monitoring center coupled to the distributed computer network, remotely located from each of the computer networks, and operative to monitor the security status of each one of the plurality of computer networks based upon status information transmitted by the network intrusion prevention devices for the computer networks, the remote monitoring center responsive to receipt of the alert signal transmitted by any one of the network intrusion prevention devices to complete an analysis of the alert signal and to take a responsive action based on the analysis of the alert signal.

The Applicants are submitting these comments so that if the claims listed above are ever litigated, it will be understood that the independent claims of this application have varying degrees of scope. As a non-limiting example that the independent claims of this patent application have varying degrees of scope (and with it being understood that there are several

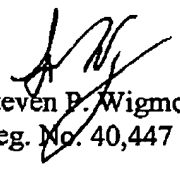
other differences between the independent claims of this patent application that are not discussed in these comments), independent Claim 41 describes an element of "...receiving at the remote monitoring center a first transmission comprising a first identification number and a network address associated with one of a plurality of network intrusion prevention devices...." However, independent Claims 47 and 61 do not recite this element.

As another non-limiting example, independent Claim 61 describes a system that comprises a remote monitoring center that is responsive to receipt of an alert signal that is transmitted by one of the network intrusion prevention devices to complete an analysis of the alert signal and to take a responsive action on the analysis of the alert signal. Meanwhile, independent Claim 41 describes a method with a steps for receiving the alert signal at the remote monitoring center and assigning the alert signal an order and taking responsive action at the remote monitoring center based upon the assigned order. And independent Claim 47 describes a method with a step for forwarding the alert signal to a remote agent associated with the service provider, wherein the alert signal provides an advisory of the security risk faced by the network intrusion prevention device that issued the alert signal.

Conclusion

In light of the differences noted above between the three independent claims, it is clear that the Examiner's Reasons for Allowance that were attached to the Notice of Allowance mailed on March 3, 2005 DO NOT PROVIDE information that is equivalent to the information contained in the application file in which the Examiner's Office actions and the Applicants' replies make evident the Examiner's reasons for allowing the claims. These comments make it apparent that each allowed independent claim has a unique combination of elements that is patentable over the prior art of record.

Respectfully submitted,



Steven P. Wigmore
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